FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
FAMILY COURT APPEAL NO.121 OF 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.A.S.Pratinidhi for appellant.

CORAM : H.L GOKHALE &
SMT.R.S.DALVI, JJ.
DATED : 26th September 2005

P.C. :

1. Heard Mr.Pratinidhi in support of this Appeal.

2. The order impugned in this Appeal is the interim order dated 19th July 2005 passed by the Family Court in a Suit filed by the respondent-wife. This order is passed on her Interim Application which she filed in view of the Divorce Petition filed by the appellant-husband. The trial Court has restrained the appellant from disposing of, selling and alienating or creating third party rights in the matrimonial home situated at

Devnagri Housing Society, Koregaon Park, Pune. The order further restrains the appellant from throwing out the respondent from the matrimonial home.

3. Mr.Pratinidhi appearing for the appellant-husband submits that the appellant has mortgaged the flat to support the cash credit facility which he has obtained in furtherance of his business. The flat is owned by him and, therefore, there should not be any such restraint. It is not possible to accept this submission. It is a matrimonial home where the respondent and the children of the couple are staying. The order was necessary in view of the Divorce Petition filed by the appellant herein. We do not find any reason to interfere with the impugned order. Appeal is dismissed.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)